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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,936	06/02/2001	Ravikrishna V. Cherukuri	004906.P072	3280

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EXAMINER
MARTINEZ, DAVID E

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) *8-26 and 34-40* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Group 1, in the reply filed on 3/16/05 is acknowledged. Because

applicant did not distinctly and specifically point out the supposed errors in the restriction

requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 6,862,280 to Bertagna in view of US Patent No. 6,678,248 to Haddock et al.

(Haddock).

1.   With regards to claims 1 and 27, Bertagna teaches a method for controlling admittance

of a data packet into a memory buffer the method comprising:

performing, prior to queuing the data packet for routing by a processor [column 9 lines 4-

20], the following:

receiving a data packet from one of at least two different ports [column 3 lines

44-50];

determining a priority value within the data packet [abstract, column 1 lines 23-

28, column 1 lines 35-41, column 8 lines 57-67]; and

determining an admittance group identifier for the data packet based on the

priority value and the port the data packet was received [column 6 lines 39-47, column 8

lines 57-67 – the outbound tag priority is based on both a priority value and a port

received id]; and

queuing the data packet from the memory buffer to one of a number of queues for routing by the

processor [column 9 lines 4-20]

Bertagne teaches all the of the above limitations but is silent as to queuing the packet upon

determining that a number of data packets stored in the memory buffer and having the

admittance group identifier is not greater than a threshold value, however, teaches queuing a

packet upon determining that a number of data packets stored in the memory buffer is not

greater than a threshold value for the benefit of preventing a buffer overflow [column 9 lines 53-

57].

It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of both Bertagna and Haddock to queue the packets upon determining

that a number of data packets stored in the memory buffer and having the admittance group

identifier is not greater than a threshold value for the benefit of preventing a buffer overflow.

2.   With regards to claims 2 and 28, Haddock teaches the method of claim 1, further

comprising discarding the data packet upon determining that the number of data packets stored

in the memory buffer and having the admittance group identifier is greater than the threshold

value [column 9 lines 53-57] for the same reasons as claims 1 and 27 above.

3.   With regards to claims 3 and 29, Bertagna teaches the method of claim 1, wherein

determining the priority value within the data packet is based on classifying the data packet as

one of a number of packet formats [column 4 lines 1-36, column 9 lines 4-20].

4.   With regards to claim 4 and 30, Bertagna the method of claim 3, wherein classifying the

data packet received from one of the at least two different ports comprises classifying the data

packet using instructions in a number of instruction streams, wherein each of the number of

instruction streams are associated with one of the number of packet formats [column 9 lines 4-20].

5.   With regards to claim 5 and 31, Bertagna teaches the method of claim 4, wherein the number of packet formats are selected from the group consisting of Internet Protocol and Ethernet [column 4 lines 1-36].

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,862,280 to Bertagna in view of US Patent No. 6,678,248 to Haddock et al. (Haddock) as applied to claims 1-5 and 27-31 above, and further in view of US Patent No. 6,717,951 to Stanton et al.

6.   With regards to claim 6 and 32, the combination of Bertagna and Haddock is silent as to

determining the admittance group identifier includes traversing a table of admittance group

identifiers based on the priority value and the port that the data packet was received from,

however, Stanton teaches determining the admittance group identifier includes traversing a

table of admittance group identifiers based on the priority value and the port that the data packet

was received for the benefit of allowing the method to be programmable [abstract, column 3

lines 12-25].

        It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of Bertagna, Haddock and Stanton to determining the admittance

group identifier includes traversing a table of admittance group identifiers based on the priority

value and the port that the data packet was received for the benefit of allowing the method to be

programmable.

7.   With regards to claim 7 and 33, Bertagna teaches the method of claim 6, further

comprising selectively outputting the data packets from the memory buffer through the number

of queues based on the admittance group identifier [abstract, column 9 lines 4-20].

Conclusion

        Any inquiry concerning this communication or earlier communications from the examiner

should be directed to David E Martinez whose telephone number is (571) 273-4152. The

examiner can normally be reached on 8:30-5:00 M-F.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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